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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,532	06/30/2000	Katsuya Nagashima	Q59989	2000

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Washington, DC 20037-3213

EXAMINER

CHANG, EDITH M

ART UNIT	PAPER NUMBER
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2637

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/609,532

Applicant(s)

NAGASHIMA, KATSUYA

Examiner

Edith M Chang

Art Unit

2637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 01 October 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

The remarks filed on August 02 2004 in reply to the final rejection has been considered but is not persuasive to place the application in condition for allowance because:

To claims 1 and 9, in FIG.3/FIG.2, Tsumura ('506) teaches a demodulator for a mobile phone comprising: the elements 22 such as 22-1/22-3 and elements 23 such as 23-1/23-2 with associated correcting circuits such as 24 and 25 improve a received error rate of data/signal from the element 11 as the received error rate improving means, by weighting differences of symbols before and after a current symbol (such as the symbol held in the 22-1 is the current symbol, the symbol input to 22-1 is the symbol after the current symbol, the symbol input to the 22-2 is the symbol before the current symbol, weighting difference via elements 23-1, 47/14 as default unit weighting and further via elements 27/51) *to be demodulated* and applying feedback (the demodulated signal of the difference of symbols before and after a current symbol from the element 15 feeding back to the correcting circuit 24 as stated in column 4 lines 52-60) *as cited in the claims*.

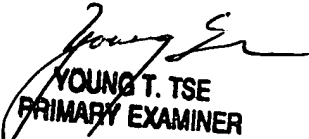
In FIG.3 and column 4 lines 45-60, the tentative demodulated signal from the circuit 15 applied to the correcting circuit 24, hence the demodulated signals from the element 15 feeding back to the detecting circuit MOD of the correcting circuit 24 compose an external loop. The elements 26 and 27 is a weighting means, wherein multiplier 27 applies weighting to phase errors (the first phase difference and the ideal phase difference are correction values, column 4 lines 47-52) of the element 26, the phase errors based on the demodulated signals been detected from the circuit 15 of the external loop (column 4 lines 45-60) *as cited in the claims*.

In FIG.1, Tsumura ('097) teaches a received error rate improving means (elements 3, 4, 5a, 5b, 6a and 6b) improving a received error rate from element 2 by weighting differences of symbols before and after a current symbol (via the delay element 104) to be demodulated, before the symbol through the element 7 DEMODULATOR; and an external feedback loop via the element 8 convertor.

Hence the references in the same endeavor as the current invention and teach/suggest the limitations, therefore, the combination/modification is proper.

Applicant argues that the weighting circuits 16, 17, 18, 29 and 30 of FIG.1 as the received error rate improving means weighting differences of symbols before and after a current symbol. In FIG.1 of the current application the weighting circuits 16, 17, 18, 29 and 30 merely multiplying a weight to the demodulated symbol output from the MOD to avoid the amplitude divergence, does not improve the received error rate as stated in the claim.

The limitations (e.g. the weighting circuits 16, 17, 18, 29 and 30 or the weighting circuit 37 as stated in the arguments) in the specification do not read in the claim when these limitations are *not recited in the claim* (see MPEP 2111).


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PRIMARY EXAMINER